

TERRY L. MACE)	
Claimant)	
VS.)	
)	Docket No. 220,522
AFFILIATED FOODS, INC.)	
Respondent)	
AND)	
)	
FIREMAN'S FUND INSURANCE COMPANY)	
Insurance Carrier)	

(1) Claimant fell and injured his back in September 1993 while working for the respondent. Despite ongoing back pain and symptoms in his legs, claimant continued to work for the respondent in an accommodated job.

(2) Because of worsening back symptoms, claimant requested additional authorized medical treatment in July 1997. On September 24, 1997, claimant's personal physician took him off work due to high blood pressure that the doctor believed was caused by the back pain.

(3) In November 1997 claimant bent over to tie his shoe and felt a pop in his back followed by severe pain in his back that radiated down his right leg. After that incident, claimant was hospitalized and diagnosed as having a ruptured or herniated disk.

(4) In December 1997 board-certified neurosurgeon James A. Poche, Jr., M.D., operated on claimant's back and performed a laminectomy and discectomy at the L3-4 intervertebral level.

(5) The parties deposed Dr. Poche but he did not provide an opinion whether the L3-4 disk rupture was related in any manner to claimant's September 1993 work-related injury.

(6) The record includes the medical reports dated March 27, 1996, and April 8, 1998, prepared by orthopedic surgeon Edward J. Prostic, M.D. In his March 1996 report, Dr. Prostic indicates that claimant has symptomatic spinal stenosis at the L4-5 intervertebral level and will require decompressive surgery. In the April 1998 report, the doctor does not provide an opinion whether the L3-4 disk rupture was related to the 1993 accident. Dr. Prostic, however, makes a tenuous connection between the September 1993 accident and the L3-4 disk problem as he indicates the disk surgery, which claimant underwent in December 1997, would be related to the work-related accident if Dr. Poche performed some decompression at the L4-5 level. Dr. Prostic writes:

Mr. Mace has a good outcome of his surgery by Dr. Poche. Assuming that some decompression was performed at L4-L5, the surgery is related to the accidental injury of September 20, 1993. The patient should continue under the restrictions imposed by Dr. Poche.

CONCLUSIONS OF LAW

The preliminary hearing Order should be affirmed.

Judge Benedict found that claimant failed to prove the relationship between the September 1993 back injury and the L3-4 disk rupture. The Appeals Board agrees with that conclusion.

Claimant has the burden to establish the relationship between the L3-4 disk problem and the 1993 accident. But claimant has failed to prove that relationship. As indicated above, neither Dr. Poche nor Dr. Prostic related the L3-4 disk rupture to the September 1993 accident. Neither doctor indicated the rupture was a natural consequence of

claimant's 1993 work-related injury, which appears to have been initially diagnosed as symptomatic spinal stenosis at L4-5.

The Appeals Board notes the parties introduced over 200 pages of medical records. Many of those records, however, are neither relevant nor material. For future reference, the Appeals Board would appreciate the parties being more judicious and introducing only those records that are both relevant and warrant consideration. Oftentimes, a medical report that directly addresses the issues is infinitely more valuable than a plethora of documents that may be only indirectly related.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated April 13, 1998, entered by Administrative Law Judge Bryce D. Benedict should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1998.

BOARD MEMBER

c: Richard P. Senecal, Atchison, KS
Steven J. Quinn, Kansas City, MO
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director